

REMARKS

Claims 164-221 were pending in the present application. The Examiner has rejected claims 164-221 and has objected to claim 205.

The Examiner objected to claim 205 because of an incorrect dependence. Claim 205 has been amended to correct this particular informality. It is respectfully requested that the objection be withdrawn with respect to claim 205.

Claims 164-221 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,167,246 ("Elder") in view of U.S. Patent No. 4,710,970 ("Wu"). Applicants respectfully traverse the rejection.

Applicants respectfully note that the Examiner has alleged that, by modifying Elder in view of Wu, each and every element as set forth in the claims are taught or suggested. Applicants respectfully disagree. Applicants cannot stress enough that Elder relates to a receiver. The title of Elder is "Fully Integrated All-CMOS AM Receiver". The Field of the Invention states that "[t]his invention relates to radio wave receivers and, in particular, to a receiver formed as a single integrated circuit." All the figures in Elder relate to the AM receiver.

In contrast, Applicants respectfully draw the attention of the Examiner to independent claims 164 and 182 which recite components of a transmitter and to independent claims 199 and 211 which relate to a transmitter system. Applicants respectfully submit that Elder, not only teaches away from the claims as set forth in the present application, but also teaches away from Wu which relates to a UHF radio frequency transmitter. See, e.g., M.P.E.P. § 2145(X)(D)(1) ("[a] prior art reference that 'teaches away' from the claimed invention is a significant factor to be considered in determining obviousness"). See also, e.g., M.P.E.P. § 2145(X)(D)(2) ("[i]t is improper to combine references where the references teach away from their combination"). For at least these reasons, Applicants respectfully submit that Elder should be withdrawn as a reference, the combination of Elder in view of Wu should be deemed improper and the obviousness rejection should be withdrawn with respect to claims 164-221.

Applicants respectfully draw the attention of the Examiner to the prohibition as set forth in M.P.E.P. § 2143.01 which states that "[i]f the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification." See M.P.E.P. § 2143.01. There can be no argument that the intended purpose of Elder is to provide a fully integrated all-CMOS receiver.

Regardless of what Wu allegedly teaches, Wu cannot modify Elder to make it a transmitter or a transmitter system because Elder would not longer be a receiver (e.g., a fully integrated all-CMOS receiver), which is its intended purpose. Applicants respectfully submit that Elder cannot be modified to provide a transmitter or a transmitter system since such a modification would be a radical departure from its intended purpose as a receiver such as a fully integrated all-CMOS receiver.

Applicants also respectfully draw the attention of the Examiner to the prohibitions as set forth in M.P.E.P. § 2143.01 which states that “[i]f the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the reference are not sufficient to render the claims *prima facie* obvious.” See M.P.E.P. § 2143.01. Regardless of what Wu allegedly teaches, Wu cannot modify Elder to make Elder into a transmitter or a transmitter system because the principle operation of a transmitter or a transmitter system would present a radical change or an extreme departure from the principle operation of Elder as a receiver such as a fully integrated all-CMOS receiver. In addition, Applicants respectfully note that another aspect of the principle of operation of Elder is that of an AM receiver. Elder uses the principle of amplitude modulation in its operation as a receiver. On the other hand, Wu teaches a different principle of operation (which also further supports previous arguments that Elder and Wu teach away from each other). Wu uses the principle of frequency modulation in its operation as a transmitter. To modify Elder to use frequency modulation instead of amplitude modulation and to modify Elder to operate as a transmitter or a transmitter system instead of a receiver represent an overwhelming change in the operation of Elder. For at least these reasons, the proposed modification of Elder is prohibited and the obviousness rejection cannot be maintained.

It is therefore respectfully requested that Elder be withdrawn as a reference and that the rejection under 35 U.S.C. § 103(a) be withdrawn with respect to claims 164-221.

In view of at least the foregoing, it is respectfully submitted that the pending claims 164-221 are in condition for allowance. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the below-listed telephone number.

Please charge any required fees not paid herewith or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

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Respectfully submitted,

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